

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

2022 JUL 13 A 11:35

U.S. DISTRICT COURT
N.D. OF ALABAMAAnthony Lynn Johnson
Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Monroe County Sheriff's Office
Scottie Clark (Jail Administrator)
MR. McMillian (Jailer)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

Case No.

7:22-CV-0106-ACA-SJC
(to be filled in by the Clerk's Office)COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$402.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$402.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint**A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name

Anthony JohnsonAll other names by which
you have been known:Tony

ID Number

23886

Current Institution

Pickens County Jail

Address

P.O. Box 226Carrollton

City

Alabama

State

35447

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Monroe County Sheriff's OfficeJob or Title (*if known*)Sheriff

Shield Number

unknown

Employer

Monroe County, Aberdeen MS

Address

unknownAberdeen

City

MS

State

unknown

Zip Code



Individual Capacity



Official Capacity

Defendant No. 2

Name

Scottie ClarkJob or Title (*if known*)Jail Administrator

Shield Number

unknown

Employer

Monroe County Sheriff's Office

Address

unknownAberdeen

City

MS

State

unknown

Zip Code



Individual Capacity



Official Capacity

Defendant No. 3

Name unknown
 Job or Title (if known) deputy (in charge)
 Shield Number unknown
 Employer Monroe County Sheriff's Office
 Address unknown
Aberdeen MS unknown
 City State Zip Code
☒ Individual Capacity ☒ Official Capacity

Defendant No. 4

Name Mr. McMillian
 Job or Title (if known) Jailer
 Shield Number unknown
 Employer Monroe County Sheriff's Office
 Address unknown
Aberdeen MS unknown
 City State Zip Code
☒ Individual Capacity ☒ Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

unknown — No Law Library Access

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

amendments 3, 2

There is absolutely no law library access here.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Each defendant deliberately allowed Jailer McMillan to be in charge of passing out meds after grievance was filed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial Detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other _____
(explain)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On Sunday, June 12, 2022, I received one (1) of (2) doses after arriving and one (1) of 3 doses on Tuesday June 14, 2022. I also received a dose of someone else's meds on Tuesday, June 14, 2022.

C. What date and approximate time did the events giving rise to your claim(s) occur?

Sunday, June 12, at approximately 1:30pm. and Tuesday
June 14, 2022 at approximately 7:00am.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?

Was anyone else involved? Who else saw what happened?)

I was deliberately deprived of my prescribed meds.
I was given another detainee's meds instead of my own,
meds that were given I gave back. Never got my own.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

Severe pain in joints, shortness of breath for two (2)
days — Blood pressure extremely high — dizziness
and potential cardiac arrest. Terrified for two (2) days.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm seeking damages in the amount of
\$10,000 punitive and \$10,000 ~~comp~~ compensatory
in both individual and official capacity
from each defendant named in this claim
The pain I had to endure and the mental
duress caused by not knowing if I was
going to "Drop Dead" at any minute ~~is~~ is
worth much more. I'm still experiencing
shortness of breath periodically and occasional
periods of severe chest pain due to the
deliberate actions of the defendants.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Monroe County Jail

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Monroe County Jail

2. What did you claim in your grievance?

That I was not given my meds and that I was given someone else's meds.

3. What was the result, if any?

Action was repeated

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

No Appeal process. Was not given a grievance when asked for one. I wrote out the grievance and had a copy sent to the nurse. Before I could receive original copy I was transferred to the Pickens County Jail. All the while I was at the Monroe County Jail, I never received a full day of my own prescribed meds. The deputy in charge, (name unknown) on 6-14-2022, took pictures of the medications that were given to me that belonged to someone else with his iPhone.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

No grievance form was provided - used letter to nurse as grievance also.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

deputy in charge and nurse. The nurse said that Jailer McMillian's actions were unacceptable. deputy took pics.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

After the second consecutive day of me complaining and asking for grievance forms, I was transferred

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) unknown (class action)

Defendant(s) Cook County Department of Corrections
Chicago, Illinois

2. Court (if federal court, name the district; if state court, name the county and State)

unknown

3. Docket or index number

unknown

4. Name of Judge assigned to your case

unknown

5. Approximate date of filing lawsuit

unknown

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

unknown

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Settlement (Kenneth Flaxman, medication litigation)
Chicago, IL.

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

Anthony Johnson

Prison Identification #

23886

Prison Address

P.O. Box 226

Carrollton Alabama 35447
City State Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

June 29, 2022
(Date)

Mr. Anthony Johnson
Signature of Plaintiff

ATTN: Office of the Nurse
Monroe County Adult Detention Center

From: Mrs. Anthony Johnson Dorm 211
~~§§§~~ 3886

On Tuesday 6-14-2022, Sheriff's staff officer McMillian, passed out medication to the detainees on Dorm 211 around 7:30 am. By the time I got up off the floor and walked to the front door, officer McMillian had left.

I remained standing at the front door until he returned, approximately 5 minutes later. He gave me my medication while I was asking him why did he leave. As he dumped my meds in my hand he stated, "because I was in a hurry."

Apparently, Sheriff's staff officer McMillian was still in a hurry because he quickly left after giving me someone else's medications. I hollered "hey, this is not my medication", as officer McMillian was leaving and he looked at me and just shrugged his shoulders and continued on.

This behavior is in violation of my Constitutional Rights and a deliberate unlawful act.

Today is the second consecutive day this Sheriff's staff employee ~~has~~ has been placed responsible for the dispersing of my medications and the second

consecutive day that I have not received them as prescribed.

Unfortunately, a legal process must ensue after this second consecutive denial of my prescribed medications.

Also, Sheriff's staff officer McMillian should not be allowed to disperse my prescribed medications at any time after this consecutive incident.

Thank You!
Sincerely,

cc: Personal File
Nurse

Mr. Anthony Johnson

Jail Administrator
Grievance (attachment)

Comments: I have saved the medications Sheriff's staff officer McMillian, here at the Monroe County Adult Detention Center, has given to me in error. These medications will be used as exhibits in the legal matter that will soon ensue. Please give me a description (signed by you) of these medications before taking them from me.